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BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of the City of
Davis for Review of Action and Failure to Act
by Central Valley Regional Water Quality
Control Board.

SWRCB/OCC File A-1374

**STIPULATION FOR ORDER
RESOLVING PETITION FOR REVIEW**

RECITALS

1. On March 16, 2001, the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) adopted Order 5-01-067, renewing waste discharge requirements and NPDES permit No. Ca 0079049 for the City of Davis Wastewater Treatment Plant (DWTP).

2. On April 16, 2001, the City of Davis (Davis) timely filed a petition for review of Order 5-01-067, pursuant to California Water Code section 13320. The petition for review has been assigned reference number SWRCB/OCC File A-1374.

3. At the request of the State Water Resources Control Board (State Board), Davis agreed that its petition for review be held in abeyance, based on the existence of issues in common with the City of Vacaville's petition designated SWRCB/OCC File A-1375 (Vacaville Petition).

4. On October 3, 2002, the State Board adopted its Order WQO 2002-015 concerning the Vacaville Petition.

5. On January 31, 2003, Davis filed its Request to Reactivate Petition; Motion for Remand and Stay (Motion). The Motion contended that, among other things, based on Order

1 WQO 2002-015 and other matters described in the Motion, a remand and stay of certain
2 provisions of Order 5-01-067 was warranted, and requested an order from the State Board.

3 6. The parties have met and conferred regarding the Motion. The parties recognize
4 that, based on Order WQO 2002-015, certain matters in Order 5-01-067 would potentially be
5 remanded, and as to others the outcome of the petition for review is debatable.

6 7. The parties agree to the Order provided below. The parties acknowledge that, after
7 remand, requirements similar to those challenged in the petition may or may not be adopted.
8 The parties also acknowledge that additional monitoring data collected since the adoption of
9 Order 5-01-067 may affect the content of future Regional Board orders governing the DWTP.
10 Davis has indicated to the Regional Board staff that it intends to consider pursuit of a facilities
11 evaluation and improvement analysis that will evaluate alternatives for meeting foreseeable
12 permit requirements, as well as alternative disposal methods.

13 8. The parties further recognize that, following remand, Davis may no longer object to
14 certain provisions identified in its petition for review. At the same time, Davis should not be
15 precluded from raising any issue in response to a new order of the Regional Board.

16 9. The parties have entered this Stipulation to conserve their resources and the
17 resources of the State Board and in light of the preceding recitals.

18
19 STIPULATION

20 Based on the foregoing, the parties stipulate to the entry of an order by the State Board
21 providing as follows:
22

23 IT IS HEREBY ORDERED that Order 5-01-067 is remanded to the
24 Central Valley Regional Water Quality Control Board for review and revision
25 consistent with the discussion and findings of Order WQO 2002-015 and such
information as may be presented to the Regional Board on remand.

26 IT IS FURTHER ORDERED that the Regional Board shall cooperate in
27 assessing the presence or absence of COLD or other uses in the receiving waters

1 and, if the Regional Board determines that there appears to be sufficient evidence
2 that the COLD or other uses may not exist, the Regional Board shall cooperate in
3 processing of Basin Plan amendments to consider de-designating COLD or other
4 uses that may be found to be inappropriate. Davis may be requested to provide
funding for Regional Board staff participating in the technical studies and
development of Basin Plan amendments.

5 IT IS FURTHER ORDERED that the Groundwater Limitation G.1 in
6 Order 5-01-067 is stayed from the effective date of the Order 5-01-067 until the
Regional Board acts on remand.

7 IT IS FURTHER ORDERED that the effluent limitations and compliance
8 schedule for "C. Effluent Limitations after 1 January 2006," specifically C.1 and
9 C.2 and Provision I.3, are stayed, from the effective date of Order 5-01-067, until
10 the Regional Board acts on the remand. By its stay of the compliance schedules,
11 the State Board intends that the schedules not run during the period of the stay.
12 This means that, should relevant final limits be re-adopted after remand, the
effective date of such limits will be established such that the current effective date
is effectively postponed by a period equal to the duration of the stay. This
provision does not, however, presuppose the outcome of the permit issuance after
remand.

13 IT IS FURTHER ORDERED that the Regional Board shall develop the
14 permit on remand in light of the current record and new information developed
15 on remand.

16 IT IS FURTHER ORDERED that nothing in this Order shall create a
17 limitation on the right of Petitioner to seek review, on any ground, of the Order
issued by the Regional Board after remand.

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19
20 CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD

21
22 Dated: May 7, 2003.

By Thomas R Pinkos
Thomas R. Pinkos
Executive Officer

23
24
25 SOMACH, SIMMONS & DUNN
A Professional Corporation

26
27 Dated: May 8, 2003.

By Paul S. Simmons
Paul S. Simmons
Attorneys for the City of Davis

